

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**ADRIAN GIL, II,**

**Defendant.**

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**Cause No. EP-22-CR-0773-DB**

**MOTION TO EXTEND TIME FOR FILING**

The government respectfully moves the Court to extend for ten days the due date for the filing of the government's brief as specified in the Court's Scheduling Order of June 24, 2024, (ECF 71). for the reasons stated herein.

**I.**

The government has petitioned for certiorari in *United States v. Daniels*, 77 F.4<sup>th</sup> 337 (5<sup>th</sup> Cir. 2023), *petition for cert. filed*, No. 23-376 (U.S. Oct 10, 2023). The Court has yet to rule on whether it will grant certiorari. Since the panel decision contemplates that this Court will revisit its ruling in light of *Daniels, Gil*, 2024 WL 2186916, if certiorari is granted, the government's position on the issues would differ than if certiorari is denied. The decision on certiorari will be made before the end of the current term of the Court.

**II.**

Appellate counsel at the Department of Justice (DoJ) is analyzing the opinion in *United States v. Rahimi*, 601 U.S. \_\_\_\_, 2024 WL3074728, in order to provide guidance and uniformity in government responses to other firearms statutes currently under litigation nationwide. As part

of the process, undersigned counsel and Western District of Texas appellate counsel are conferring with DoJ appellate counsel for guidance.

**III.**

Appellate counsel for the Western District of Texas, who has been advising trial counsel, is scheduled to argue before the Fifth Circuit Court of Appeals on July 9, 2024, in the case of *United States v. Romero*, No. 23-50443. Trial Counsel is currently preparing for a suppression hearing in *United States v. Christian Abel Melendez*, Cause No. EP-23-CR-2276, involving several El Paso Police Officers, scheduled for July 10, 2024

**IV.**

Government counsel has attempted to contact Defense Counsel regarding this Motion and has been unable to reach Defense Counsel.

Any delay in further proceedings in this matter would not substantially affect Defendant. Defendant has been on bond during the appeal under the same terms and conditions since posting his initial bond.

For the herein stated reasons, the government respectfully requests this Honorable Court grant the Government's Motion to Extend Time for Filing of its brief pursuant to the Court's Scheduling Order be extended for the requested ten days.

Respectfully submitted,

JAIME ESPARZA  
UNITED STATES ATTORNEY

BY:                     /s/                      
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 28, 2024, a true and correct copy of the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Matthew DeKoatz,  
Attorney for Defendant

/s/  
\_\_\_\_\_  
STANLEY M. SERWATKA  
Assistant United States Attorney

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**Cause No. EP-22-CR-0773-DB**

**ORDER**

On this day came on to be considered the government's Motion to Extend Time for Filing.

The Court having considered same, is of the opinion that said Motion should be granted.

IT IS THEREFORE ORDERED that the filing of the government's brief in the above cause is extended and is now due on or before July 18, 2024.

SIGNED AND ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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DAVID BRIONES  
SENIOR UNITED STATES DISTRICT JUDGE